

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, *et al.*, (Jointly Administered)

Debtors.¹

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**INFORMATIVE MOTION OF FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD REGARDING CONFIRMATION
HEARING AND NOVEMBER 12, 2021 WITNESS EXAMINATION**

To the Honorable United States District Judge Laura Taylor Swain:

Pursuant to the Court's *Second Amended Order Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* [Case No. 17-3283, ECF No. 19012-1] (the "Confirmation Hearing Procedures Order")², the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as sole Title III representative of the Commonwealth of Puerto Rico (the

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used but not defined herein shall have the meanings given them in the Confirmation Hearing Procedures Order.

“Commonwealth”), the Puerto Rico Public Buildings Authority (“PBA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and PBA, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),³ respectfully states as follows:

I. Remote Witnesses Examination

1. At the November 12, 2021 session of the hearing for confirmation (the “Confirmation Hearing”) of the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [Case No. 17-BK-3283-LTS, ECF No. 19114] (as it may be amended, modified or supplemented, the “Plan”), the Oversight Board intends to call the following Remote Witnesses in support of the Plan, listed in the order in which the Remote Witness will be called:

a. Andrew Wolfe

i. Cross-Examination:

1. **Peter C. Hein (pro se)** (Mr. Hein has requested 30 minutes for cross-examination)

ii. Redirect Examination:

1. **Oversight Board**

b. Adam Chepenik

i. Cross-Examination:

³ PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

1. **Peter C. Hein (pro se)** (Mr. Hein has requested 15 minutes for cross-examination)

ii. Redirect Examination:

1. **Oversight Board**

c. Juan Santambrogio

i. Cross-Examination:

1. **Peter C. Hein (pro se)** (Mr. Hein has requested 20 minutes for cross-examination)

ii. Redirect Examination:

1. **Oversight Board**

d. Marti Murray

i. Cross-Examination:

1. **Peter C. Hein (pro se)** (Mr. Hein has requested 45 minutes for cross-examination)

ii. Redirect Examination:

1. **Oversight Board**

e. David Brownstein

i. Cross-Examination:

1. **Peter C. Hein (pro se)** (Mr. Hein has requested 30 minutes for cross-examination)

ii. Redirect Examination:

1. **Oversight Board**

f. Jay Herriman

i. Cross-Examination: As of October 27, 2021 at 1:00 p.m. (AST), the deadline to file pretrial informative motions set forth in the Confirmation Hearing Procedures Order, no party in interest identified Mr. Herriman as a witness for cross-examination. Further, the Oversight Board is unaware of any party in interest indicating in writing after October 27 a request to cross-examine Mr. Herriman. Accordingly, Mr. Herriman will not be cross-examined, but will be available in the event the Court has any questions.

2. Thereafter, it is the Oversight Board's understanding that the Official Committee of Retired Employees of the Commonwealth of Puerto Rico intends to call its retained expert, Dr. Simon Johnson, as a witness. As of October 27, 2021 at 1:00 p.m. (AST), the deadline to file pretrial informative motions set forth in the Confirmation Hearing Procedures Order, no party in interest identified Dr. Johnson as a witness for cross-examination. Further, the Oversight Board is unaware of any party in interest indicating in writing after October 27 a request to cross-examine Dr. Johnson. Accordingly, Dr. Johnson will not be cross-examined, but will be available in the event the Court has any questions.

II. Deposition Designations

3. The Oversight Board does not anticipate any designated portion(s) of depositions will be introduced into evidence on November 12, 2021.

III. Disputed Evidence or Testimony

4. Subject to the forthcoming stipulation requested by the Court at the November 10, 2021 session of the Confirmation Hearing, the Oversight Board does not anticipate the introduction of evidence or testimony whose admissibility is disputed on November 12, 2021.

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WHEREFORE, the Oversight Board respectfully requests that the Court take notice of the foregoing.

Dated: November 11, 2021
San Juan, Puerto Rico

Respectfully submitted,

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Co-Attorneys for the Financial Oversight and Management Board as representative for the Debtors

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer

Hermann D. Bauer